

Mr. James D. EVANS

P.P. # 688178

CURRAN-Framhold Correctional Facility

7901 State Road

Phila., PA 19136

30 MAR 22

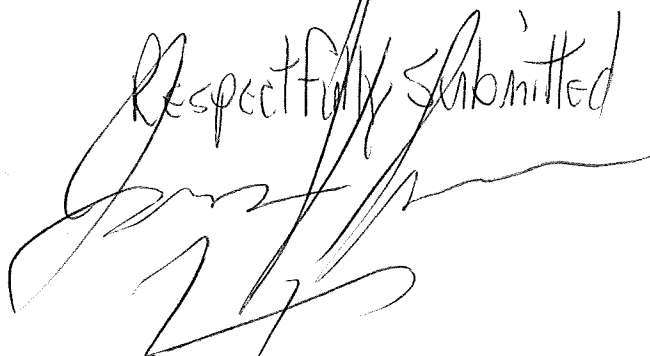
Clerk of Court
U.S. District Court
601 Market St
Phila., PA 19106-9865

RE: EVANS VS. PRESIDENT OF THOMAS JEFFERSON UNIVERSITY HOSPITAL
EVANS VS. SOCIAL SECURITY ADMINISTRATION
EVANS VS. CITY OF PHILADELPHIA

Dear Clerk,

How ARE you! Enclosed please find the
Complaint & In Forma Pauperis for the above Civil Actions

IN the case of EVANS VS. PRESIDENT
OF THOMAS JEFFERSON UNIVERSITY HOSPITAL there is a "Motion For An Extension
OF Time To File AN Certificate of Merit" Attached to the Complaint. Please
File the enclosed documents with the Court. Thank You For Your Time &
Attention HEREIN!!!

Respectfully Submitted

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In The United States District Court For The Eastern
District of Pennsylvania

JAMES D. EVANS,
Plaintiff,

v.

Civil Action #:

City of Philadelphia; Phila-
delphia Police Department;
Philadelphia Department of
Prisons; Commissioner
DANIELLE OUTLAW; NURSE
John Doe #1; Police Off-
icer John Doe #2; Comm-
issioner BLANCHE CARNEY;
WARDEN OF THE Philadelphia
DETENTION CENTER; WARDEN
OF CURRAN-FROMHOLD CORREC-
TIONAL Facility,
Defendant(s).

COMPLAINT

I. Jurisdiction

42 U.S.C. § 1983, the AMERICANS with Disabilities Act, the Re-
habilitation Act of 1973, PENNSYLVANIA's LAW(S) & ANY & ALL other App-
licable laws to include the Code of Federal Regulations

II. VENUE

Plaintiff resides in Philadelphia Pennsylvania where the issues in this Complaint arise.

III. PARTIES

- (A) Defendant City of Philadelphia, Philadelphia Law Department, 17th Flr, 1515 Arch St., Phila., PA 19103, is sued in its individual & official capacity;
- (B) Defendant Philadelphia Police Department, 8th & Race St., Phila., PA 19106, is sued in its individual & official capacity;
- (C) Defendant Philadelphia Department of Prisons, 7901 State Road, Phila., PA 19136 is sued in its individual & official capacity;
- (D) Defendant Commissioner Danielle Outlaw, Philadelphia Police Dept., 8th & Race St., Phila., PA 19106, is sued in her individual & official capacity;
- (E) Defendant Nurse John Doe #1, Police Detention Unit, 8th & Race St., Phila., PA 19106 is sued in his individual & official capacity;
- (F) Defendant Police Officer John Doe #2, Police Detention Unit, 8th & Race St., Phila., PA 19106 is sued in his individual & official capacity;
- (G) Defendant Commissioner Blanche Carney, Philadelphia Department of Prisons, 7901 State Road, Phila., PA 19136 is sued in her individual & official capacity;
- (H) Defendant Warden of the Philadelphia Detention Center, 8201 State Road, Phila., PA 19136, is sued in his/her individual & official capacity;
- (I) Defendant Warden of CURRAN - Fromhold Correctional Facility, 7901 State Road, Phila., PA 19136, is sued in his/her individual & official capacity;

(J.) Plaintiff James D. Evans, P.A. # 688178, CURRAN - FROMHOLD CORRECTIONAL FACILITY, 7901 STATE ROAD, PHILA, PA. 19136.

IV. Exhaustion of Administrative Remedies

(1) Plaintiff filed (2) Emergency Grievances & appealed them to Defendant Blanche Carney, plaintiff got NO RESPONSE ON THESE GRIEVANCES & APPEALS. [See Exhibits "A1 to A4" attached hereto].

V. Facts of Case

(1) On or about 3 April Plaintiff was arrested by Defendants City of Philadelphia & Philadelphia Police Department.

(2) Plaintiff was taken to the Police Detention Unit (hereinafter "PDU").

(3) Plaintiff was given bail & sent to CURRAN - FROMHOLD CORRECTIONAL FACILITY (hereinafter "CFCF"). Defendant Commissioner Blanche Carney & the Warden of CFCF refused to admit Plaintiff to their prison & he was taken back to the PDU.

(4) Plaintiff is a T12/L1 incomplete paraplegic with neurogenic bowel & bladder. He is confined to a wheelchair & has a indwelling Foley catheter 18 fr.

(5) On or about 4 April Plaintiff was put in an inaccessible cell at the PDU. Plaintiff requested to use an accessible toilet as the one in the cell had no handrails. This was denied by Defendants City of Philadelphia & Philadelphia Police Department Police Officers.

(6) Plaintiff fell while trying to transfer to the toilet from his wheelchair. His Foley catheter was pulled out of him when the hose to the urine bag got caught in his wheelchair. He fell to the floor & injured his back also.

(7) Plaintiff was wedged between his wheelchair & the bed in the cell.

He was bleeding from his penis & his bandage on his decubitis ulcer had come off in the fall. This caused Plaintiff extreme pain & suffering. He screamed repeatedly from the pain.

(8.) Plaintiff started banging on the cell door. Defendant Police Officer John Doe #2 came to the door. I explained what happened & asked to go to the hospital, he walked away. I was still laying on the floor. Defendant Police Officer John Doe #2 returned with a cup of bleach & through it under the cell door. It got in my eyes & face. I screamed from the pain. I washed it out with bottled water.

(9.) Plaintiff layed on the floor for approximately 1 to 2 hours. He was finally able to get up onto the bed. Defendant Nurse John Doe #1 came back to the cell & peaked in, he didnt question me, examine me, or, speak to me. As he turned to leave I asked to go to a hospital. He never answered me.

(10.) Plaintiff was still bleeding from the penis, he was kept in the cell with no medical treatment for approximately 12 hours. A new nurse came on duty & had an ambulance take plaintiff to Thomas Jefferson University Hospital.

(11.) Plaintiff requested that the Defendant City of Philadelphia & Defendant Philadelphia Police Department Police Officers who were with me at the hospital call Internal Affairs as I was injured while in police custody. This was denied.

(12.) Plaintiff recieved a new catheter & screamed from the pain when it was inserted, this was from the injury of the catheter being pulled out when I fell transfeing to the inaccessible toilet. Further Plaintiff now

LEAKS URINE AROUND HIS CATHETER FROM THE DAMAGE TO HIS SPINKTER IN HIS BLADDER. HE MUST CHANGE HIS DRAPEE UP TO 3 TIMES A DAY DUE TO THIS DAMAGE/INJURY.

- (13.) Defendants City of Philadelphia, Philadelphia Police Department & Commissioner DANIELLE OUTLAW ARE AWARE OF THE FACT THAT THE PDU HAS NO ACCESSIBLE TOILETS FOR THE DISABLED AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT (ADA). FURTHER THEY FAILED TO TRAIN THEIR EMPLOYEES IN HOW TO HANDLE DISABLED PRISONERS, WHAT TO DO WHEN ONE IS INJURED WHILE IN CUSTODY, & THEY HAVE NO ADA COORDINATOR. THIS LED DIRECTLY TO PLAINTIFF'S INJURIES.
- (14.) Defendants City of Philadelphia, Philadelphia Police Department, Commissioner DANIELLE OUTLAW, P/O JOHN DOE #2 & NURSE JOHN DOE #1 WERE DELIBERATELY INDIFFERENT TO MY SERIOUS MEDICAL NEEDS AS DESCRIBED ABOVE. THEIR ACTIONS, &/OR, INACTIONS WERE BOTH WANTON & INTENTIONAL IN VIOLATING MY CIVIL RIGHTS & ADA RIGHTS.
- (15.) PLAINTIFF WAS TAKEN TO CFCF ON OR ABOUT 5 APRIL. HE WAS THEN PUT IN THE PHILADELPHIA DETENTION CENTER PH5W 220 CELL 21, WHICH IS INACCESSIBLE, I.E. (THERE ARE NO HANDRAILS AROUND THE TOILET AS REQUIRED BY THE ADAAG & CFR.) DEFENDANTS COMMISSIONER BLANCHE CARNEY & WARDEN OF THE PHILADELPHIA DETENTION CENTER KNOW OF THE INACCESSIBILITY OF PH5W 220 & THE DETENTION CENTER & CHOOSE TO DO NOTHING ABOUT IT.
- (16.) ON OR ABOUT 7 APRIL PLAINTIFF FELL WHILE TRYING TO USE THE INACCESSIBLE TOILET IN PH5W 220 CELL 21. HE INJURED HIS FEMUR & HIP. HE WAS X-RAYED LATER THAT MONTH & TOLD BY DR. BRADLEY THAT HE HAD A HAIR-LINE FRACTURE OF HIS FEMUR IN HIS LEFT LEG. PLAINTIFF HAS SEVERE PAIN & SUFFERING IN HIS LEFT LEG & HIP. HE CANNOT LAY ON HIS LEFT SIDE WITHOUT SCREAMING IN PAIN.

(17.) Plaintiff was transferred back to CFCF. On or about 17 Dec 21 at approximately 3:00AM plaintiff fell while trying to transfer to the inaccessible toilet on B1 Pod 4 cell 11. Plaintiff injured his back & neck which still hurts to this day. He was never seen on sick call for his injury. Defendants Commissioner Blanche Carney & Warden of CFCF knew of the inaccessibility of B1 Pod 4 cell 11 because of an emergency grievance I filed on 25 Sept 21 to the Shift Commander. This cell has no handrail around the toilet.

(18.) The above facts show that the Defendants City of Philadelphia, Philadelphia Department of Prisons, Commissioner Danielle Outlaw, Nurse John Doe #1, P/O John Doe #2, Commissioner Blanche Carney, Warden of the Philadelphia Detention Center, & Warden of CFCF, have a pattern & practice of wanton & intentional disregard for the ADA, ADAAG, Rehabilitation Act of 1973, & plaintiffs' Civil Rights, as well as showing deliberate indifference to plaintiffs' serious medical needs & his right to be free of discrimination under the ADA. They also denied him his rights pursuant to the 14th Amendment.

(19.) Defendant City of Philadelphia failed to train Defendants Commissioners' Outlaw & Carney as well as the Warden of the Philadelphia Detention Center & Warden of CFCF in the requirements of the ADA/ADAAG, this directly led to plaintiffs' serious injuries & severe pain & suffering as well as the intentional infliction of emotional distress, e.g. (crying, mental anguish, lack of self-worth...), all predicated on the treatment received

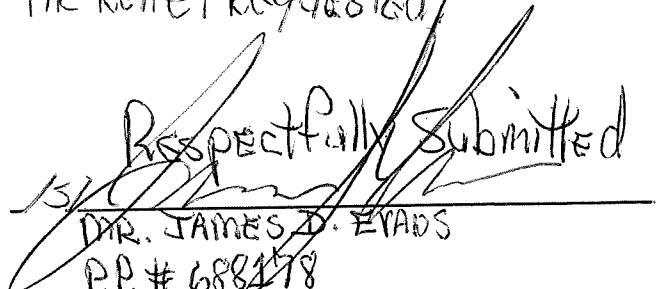
At the hands of All defendants. Further there is no ADA coordinator appointed by Defendant Commissioner Carney & this also led to Plaintiffs' injuries.

VI. Relief

- ① Plaintiff demands \$5,000,000.00 Five million dollars in Punitive damages;
- ② Plaintiff demands \$5,000,000.00 Five million dollars in Compensatory damages;
- ③ Plaintiff demands that the Detention Center be made Accessible by placing handrails around the toilet or that disabled prisoners in wheelchairs be housed in accessible prisons not the Detention Center;
- ④ Plaintiff demands A Jury Trial; &
- ⑤ Plaintiff demands Attorney Fees & costs

Plaintiff reserves the right of any appointed attorney to alter, amend, &/or, change this complaint & the relief requested.

Dated March 30th 2022

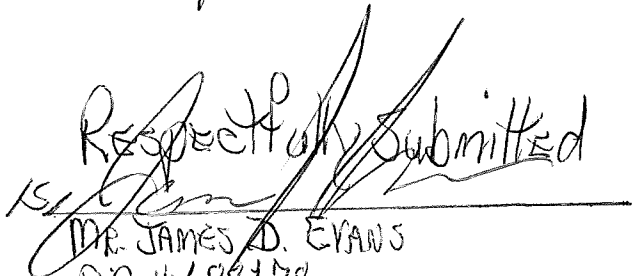
Respectfully Submitted
 151 
 DR. JAMES D. EVANS
 P.P. # 688478
 CFCE
 17901 State Road
 Phila, PA 19136

AFFIDAVIT

Plaintiff, James D. Evans, prose, does hereby depose & swear
that the foregoing Complaint is true & correct to the best of his knowledge,
information, & belief. This is made pursuant to the penalties of perjury

Executed At CURRAN-FROMHOLD Correctional Facility, 7901 State
Road, Phila., Pa. 19136 ON this 30th day of March, 2022.

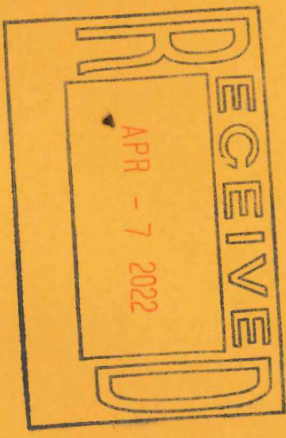
Respectfully Submitted

151 
MR. JAMES D. EVANS
P.P. #688178

CFCF
7901 State Road
Phila., PA 19136

Mr. James D. Evans
Philadelphia Department of Prisons
Philadelphia, PA 19136
PPN 688178

U.S.M.S.
X-RAY



CLerk of Court
U.S. District Court
601 Market Street
Philadelphia, Pennsylvania 19106-9865

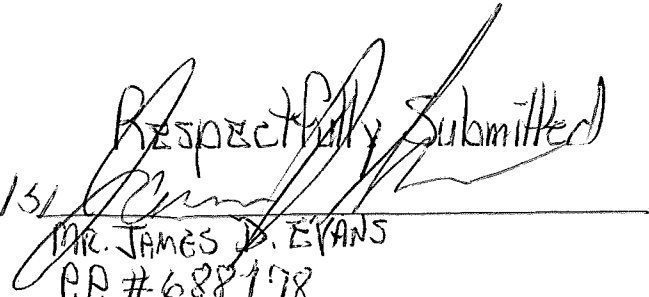
Legal Mail

[¹/₆ U.S. PostMaster]

Exhibits "A1 to A4"

- A1 - Emergency Grievance to the Shift Commander dated 7 Apr 21
- A2 - Appeal to Commissioner Blanche Carney dated 9 May 21
- A3 - Emergency Grievance to the Shift Commander dated 22 Dec 21
- A4 - Appeal to Commissioner Blanche Carney dated 5 Feb 22

Dated: March 30th, 2022

Respectfully Submitted
151 
MR. JAMES D. EVANS
P.A. #688178
CFCF
7901 State Road
Phila, PA 19136

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE/GRIEVANCE FORM

☐ ASD ☐ CFCF ☒ DC ☐ HOC ☐ PICC ☐ RCF

NAME: JAMES D. EVANS

HOUSING UNIT: 000 07/21

PID: 688178

INTAKE NUMBER: 2103089

Check box only if grievance is regarding Medical Services ☒

Description of Grievance, Incident or Problem

(Include date and time of incident)

ON OR ABOUT 4-7-21 AT APPROX. 9:00 PM I WAS GIVEN 3 PILLS NONE OF WHICH WERE DID ANYTHING FOR THE PAIN I AM IN FURTHERMORE I AM NOT RECEIVING ANYTHING FOR THE INJURY TO MY HIP CAUSED BY ME FALLING WHEN I WAS TRANSFERRING FROM MY WHEEL CHAIR TO THE INACCESSIBLE TOILET. NO ONE X RAYED MY HIP OR TOOK ME TO THE DOCTOR I AM A T12 L1 PARAPLEGIC WITH NEUROGENIC BOWEL & BLADDER

Action Requested by Inmate:

I demand 5 million dollars in Punitive & Compensatory damages

See: Continuation of Grievance -- Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box: 12/2/21

Signature of Grievant: [Signature] Date: 2/20/21

Exhibit "A1"

APPEAL TO BLANCHE CARNEY

COMMISSIONER

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM

☐ ASD

☐ CFCF

☒ DC

☐ HOC

☐ PICC

☐ RCF

NAME: JAMES D. EVANS

PID: 688178

Check box only if grievance is regarding Medical Services ☐

Description of Grievance, Incident or Problem
(Include date and time of incident)

I AM APPEALING THE ENCLOSED/ATTACHED ^{EMERGENCY} GRIEVANCE TO YOU,
I FELL WHILE TRANSFERING FROM MY WHEEL CHAIR TO THE TOILET
IN PASW 220 CELL 21, THERE ARE NO HANDRAILS AROUND THE TOILET.
I INJURED MY ^(LEFT) HIP & HAVE AN HAIRLINE FRACTURE OF MY LEFT FEMUR
I NEVER RECIEVED AN ANSWER ON MY INITIAL GRIEVANCE
^{EMERGENCY}

Action Requested by Inmate:

I DEMAND \$5,000,000 IN PUNITIVE & COMPENSATORY DAMAGES

See: Continuation of Grievance – Page 2 YES ☐ NO ☒

Describe how and when you tried to resolve this Grievance informally.

FILED GRIEVANCE ON 7 APR 21 & FILED AN \$1983 CIVIL ACTION IN 2011
WHICH SETTLED FOR \$10,000 → FILED GRIEVANCE IN JANUARY 2011 PUT YOU ON NOTICE
OF INACCESSIBLE TOILETS IN PASW 220 DC GATE TO %
^{EMERGENCY}

Date that you are depositing this Grievance in a grievance box: 9 MAY 21

Signature of Grievant: [Signature] Date: 9 MAY 21

Exhibit "A2"

EMERGENCY GRIEVANCE TO THE Shift COMMANDER

Attachment 3.F.10.a

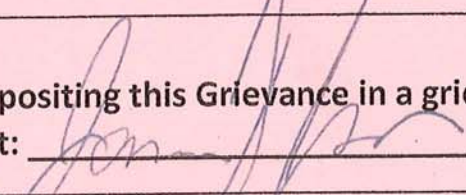
PHILADELPHIA DEPARTMENT OF PRISONS INMATE GRIEVANCE FORM	
<input type="checkbox"/> ASD	<input checked="" type="checkbox"/> CFCF
<input type="checkbox"/> DC	<input type="checkbox"/> HOC
<input type="checkbox"/> PICC	<input type="checkbox"/> RCF
NAME: JAMES D. EVANS	
PID: 688-178	
Check box only if grievance is regarding Medical Services <input type="checkbox"/>	
Description of Grievance, Incident or Problem (Include date and time of incident)	
<p>ON OR ABOUT 17 DEC 21 AT APPROX 3:00AM while on B1-4 pod CELL 11 I FELL TO THE FLOOR while TRANSFERING TO THE TOILET. THAT CELL DOES NOT HAVE HANDRAILS AROUND THE TOILET - I WAS TRANSFERING FROM MY WHEELCHAIR TO THE TOILET. Usually I defecate by laying on my side on the bed on top of a chucks pad & USING EXAM GLOVES TO PHYSICALLY REMOVE THE FECES FROM MY RECTUM. BUT I'VE BEEN HAVING DIARRHEA & COULD NOT MAKE IT TO MY BED IN TIME. I AM A T12/L1 PARAPLEGIC. I INJURED MY NECK & BACK WHEN I FELL I PUT IN A SICK CALL slip but have NOT BEEN SEEN YET. The WARDEN & COMMISSIONER ARE RESPONSIBLE FOR INSURING THAT THE ADA & ADAAG ARE OBEYED IN THIS FACILITY</p>	
Action Requested by Inmate:	
I demand COMPENSATORY & PUNITIVE DAMAGES IN THE AMOUNT OF 5,000,000 & THAT ALL CELLS HAVE HANDICAP RAILINGS AROUND THE TOILET & THAT I BE SEEN ON SICK CALL	
See: Continuation of Grievance - Page 2 YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Describe how and when you tried to resolve this Grievance informally.	
I put in a grievance requesting Accessible Toilets on 25 Sept 21	
Date that you are depositing this Grievance in a grievance box:	DATE TO C/O TO GIVE TO Shift Commander 22 DEC 21
Signature of Grievant: 	Date: 22 DEC 21

Exhibit "A3"

Appeal To Commissioner Blanche CARNEY

Attachment 3.F.10.a

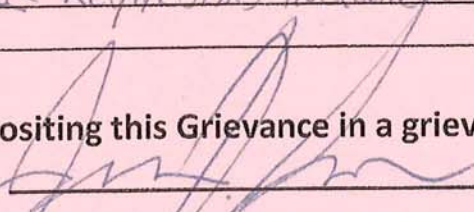
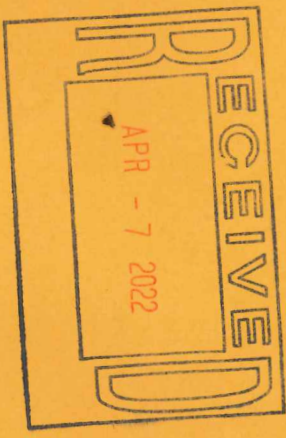
PHILADELPHIA DEPARTMENT OF PRISONS INMATE GRIEVANCE FORM					
<input type="checkbox"/> ASD	<input checked="" type="checkbox"/> CFCF	<input type="checkbox"/> DC	<input type="checkbox"/> HOC	<input type="checkbox"/> PICC	<input type="checkbox"/> RCF
NAME: JAMES D. EVANS					
PID: 688178					
Check box only if grievance is regarding Medical Services <input type="checkbox"/>					
Description of Grievance, Incident or Problem (Include date and time of incident)					
<p>I AM APPEALING THE EMERGENCY GRIEVANCE I FILED WITH THE SHIFT COMMANDER AT CFCF ON 22 DEC 21 WITH YOU, A COPY OF THE EMERGENCY GRIEVANCE IS ATTACHED HERETO. I FELL WHILE TRANSFERRING TO AN INACCESSIBLE TOILET ON POD B1-4 CELL 11 FROM MY WHEELCHAIR. I AM A T12/L1 PARAPLEGIC. THIS CELL HAD NO HANDRAILS ON THE TOILET AS REQUIRED BY THE ADA & ADAAG. I WAS ALSO DENIED SICK-CALL CONCERNING MY INJURIES TO MY BACK & NECK. I NEVER RECEIVED A RESPONSE ON THIS EMERGENCY GRIEVANCE OR ANY OTHER GRIEVANCE I HAVE FILED</p>					
Action Requested by Inmate:					
<p>I demand \$500,000 in compensatory & punitive damages & that all cells have handrail railings around the toilet & that I be seen on sick call</p>					
See: Continuation of Grievance – Page 2 YES <input type="checkbox"/> NO <input type="checkbox"/>					
Describe how and when you tried to resolve this Grievance informally.					
<p>I put in a GRIEVANCE REQUESTING ACCESSIBLE TOILETS ON 25 Sept 21</p>					
<p>Date that you are depositing this Grievance in a grievance box: 5 Feb 22</p>					
<p>Signature of Grievant:  Date: 5 Feb 22</p>					

EXHIBIT "A4"

Mr. James D. Evans
Philadelphia Department of Prisons
Philadelphia, PA 19136
PPN 688178

U.S.M.S.
X-RAY



CLerk of Court
U.S. District Court
601 Market Street
Philadelphia, Pennsylvania 19106-9865

Legal Mail

[¹/₆ U.S. PostMaster]